

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETE AGAPITO CHAVEZ,

Defendant.

No. C-11-331 MMC

**ORDER GRANTING DEFENDANT'S
APPLICATION TO STAY § 2255
PROCEEDINGS; DIRECTIONS TO
PARTIES**

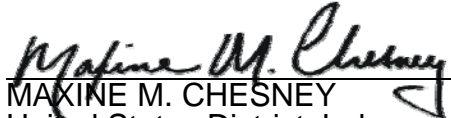
Before the Court is the "*Ex Parte* Application to Stay Proceedings Pending Resolution of Motion for Declaratory Relief," filed October 5, 2015, by defendant Pete Agapito Chavez. On October 9, 2015, the government filed a "Statement of Non-Opposition to Defendant's Request to Stay Section 2255 Proceedings," in which the government further states it is "unlikely to oppose the declaratory relief it understands the defendant to now be seeking." (See Pl.'s Statement of Non-Opposition at 1:21-22.) Accordingly, the application to stay is hereby GRANTED.

Further, although the government does not anticipate filing an opposition to defendant's motion for declaratory relief, the Court has some question about its ability to grant the type of relief requested, and accordingly, the government and defendant are

1 hereby DIRECTED to address such issue in connection with, respectively, the response
2 and the reply.

3 **IT IS SO ORDERED.**

4
5 Dated: October 13, 2015


MAXINE M. CHESNEY
United States District Judge